

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

WILLIAM T. DIVANE, JR.,  
as the ELECTRICAL INSURANCE  
TRUSTEES,

Plaintiffs,

v.

DELECTRIC SHOP, INC.,

Defendant.

No. 07 C 6205

Judge Dow

AFFIDAVIT OF MARK CAVANAGH

1. My name is Mark Cavanagh, and I am employed by the Electrical Insurance Trustees as Collection Coordinator. My duties include assisting in the administration and enforcement of employer contributions to the various trust funds administered by the Trustees and coordinating efforts to collect delinquent contributions from employers.

2. I am familiar with the various agreements and other documents which relate to the collection of contributions, including the Principal Agreement between Local Union No. 134, I.B.E.W and the Electrical Contractors' Association and the Insurance Trust Agreement which sets forth the duties of the Trustees regarding the trust funds they administer. True and correct excerpts of those agreements are attached to or set forth in the Trustees' complaint.

3. Attached hereto as Exhibit A is a spreadsheet which shows all amounts due the Trustees from Delectric Shop, Inc. as of January 10, 2008, including fringe benefit contributions and



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liquidated damages. The total due, \$103,739.44, reflects all credits due Delectric Shop, Inc. for payments made to the Trustees.

4. The notation "Audit" refers a payroll audit of the books and records of Delectric Shop, Inc. covering the period from March 15, 2007 through August 31, 2007, conducted by the firm Legacy Professionals LLP for the Trustees. A summary of the audits is attached hereto as Exhibit B.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 18, 2008.

Mark Cavanagh  
Mark Cavanagh

David R. Shannon  
Tenney & Bentley, LLC  
111 West Washington Street  
Suite 1900  
Chicago, Illinois 60602  
(312) 407-7800

Electric Shop Inc.  
Amounts Due as of  
01/10/2008

<u>Contribution Month</u>	<u>Due Date or Work Period</u>	<u>Amount Received</u>	<u>Contribution Amount Due</u>	<u>Date Received</u>	<u>Liquidated Damages and Interest</u>	<u>Grand Totals</u>
<b>Construction</b>						
Legacy Professionals						
2005-06 Audit	N/A	\$ 24,202.16	\$ 24,250.00	N/A	\$ 16,596.20	\$ 99,577.22
03/15/2007 to 08/31/2007	6/20/2007	\$ 24,202.16	\$ 82,981.02	7/24/2007	\$ 4,114.38	\$ 4,102.22
<b>Total</b>		<b>\$ 24,202.16</b>	<b>\$ 107,231.02</b>		<b>\$ 20,710.58</b>	<b>\$ 103,739.44</b>
<b>Less:</b>						
Contributions Covered by Bond Claim						
Liquidated Damages Covered by Bond Claim						
# Bond Claim payments are assumptions since payment has not been made (claim filed on 11/27/07).						
<b>Grand Total</b>						
<b>\$ 2,562.46</b>						

Contributions Covered by Bond Claim  
Liquidated Damages Covered by Bond Claim  
# Bond Claim payments are assumptions since payment has not been made (claim filed on 11/27/07).



**LEGACY**  
**PROFESSIONALS LLP**  
 CERTIFIED PUBLIC ACCOUNTANTS

November 19, 2007

EIT Benefit Funds  
 221 North LaSalle Street, Suite 200  
 Chicago, Illinois 60601-1273

**Payroll Audit Report - Construction**

Employer Name : Delectric Shop, Inc.

Employer # : 10150

Address : 9825 Roosevelt Road  
Westchester, IL 60154

Date of Audit : November 9, 2007

Period Examined : March 15, 2007 to August 31, 2007

Employer representative, if any, present at the time of the payroll audit:

<u>Dan Luciano</u>	<u>Owner</u>
Name	Title

Location of Audit 9825 Roosevelt Road  
Westchester, IL 60154

Summary or reason for underreported or overreported contributions :

The employer did not report all eligible employees.

The employer under reported hours and wages to the Fund.

The employer reported overtime hours and wages as straight time hours and wages.

As a result of the payroll audit conducted on the above employer's records:

<u>62,990.13</u>	Is due to ( from ) the Health & Welfare, Local Pension, Apprenticeship and Training, and Supplemental Unemployment Benefit Funds
<u>8,665.58</u>	Is due to the Annuity Plan
<u>9,064.23</u>	Is due to the Additional Security Benefit Fund
<u>241.83</u>	Is due to ( from ) the Administrative Maintenance Fund
<u>2,019.25</u>	Is due to ( from ) the SUB Fund
<u><b>\$82,981.02</b></u>	Total amount due

Nick Niglazzo  
 Payroll Auditor(s)

